SW

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB 15 AM 10: 23

UNITED STATES OF AMERICA,	)	Magistrate Docket No.
Plaintiff,	)	'08 MJ 0444
	)	COMPLAINT FOR VIOLATION OF:
v.	)	
	)	Title 8, U.S.C., Section 1326
Ulises ROJAS-Perez,	)	Deported Alien Found in the
	)	United States
	)	
Defendant	)	
	)	

The undersigned complainant, being duly sworn, states:

On or about **February 13, 2008** within the Southern District of California, defendant, **Ulises ROJAS-Perez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th** **DAY** OF **FEBRUARY 2008.**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

SLF

CONTINUATION OF COMPLAINT:
Ulises ROJAS-Perez

PROBABLE CAUSE STATEMENT

On February 13, 2008, Border Patrol Agent B. Watrous along with Border Patrol Agent R. Butler and the Field Training Unit (FTU), were assigned to line watch duties in the Campo, California area of responsibility.

At approximately 2:40 p.m., Border Patrol dispatch received a call from the security personnel at the Golden Acorn Casino stating that they had a group of possible illegal aliens in custody. Agent Watrous and Agent Butler, along with the FTU, responded to this report at the casino. The Golden Acorn Casino is located at the intersection of Church Road and Old Highway 80 and is approximately seven miles north of the United States/Mexico International Boundary and 18 miles east of the Tecate California Port of Entry.

The Agents identified themselves as United States Border Patrol Agents and questioned all three individuals, including one later identified as the defendant **Ulises ROJAS-Perez**, as to their citizenship. All three, admitted to being citizens and nationals of Mexico, present in the United States without any documents that would allow them to be, or remain, in the United States legally. All three individuals, were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 3, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.